IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 12713 of 2004(L)

PETITIONER:

G.K.LAKSHMI AMMA, W/O. APPA NAIR,
AGED 80, `LAKSHMI NIVAS', P.O. MAMBRAM,
POYNAD VILLAGE, THALASSERY TALUK.

BY ADV. SRI.P.K.BALAKRISHNAN NAIR

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM.

2. KERALA STATE MOTOR TRANSPORT WORKERS
WELFARE FUND BOARD, REPRESENTED BY THE SECRETARY,
TRIVANDRUM.

3. TAHSILDAR (R.R), THALASSERY.

BY GOVERNMENT PLEADER SMITHA
ADV.SRI.K.HARILAL
ADV.SRI.PAULSON C.VARGHESE --- SC FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 12713/2008

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LETTER NO. 1/07/03-04, 73/7/03-04 DT. NIL SENT BY THE R3 TO VINESH.

RESPONDENT'S EXHIBITS NIL.

True copy

tga

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 12713 of 2004

Dated, this the 20th day of November, 2007

J U D G M E N T

Petitioner is challenging Ext.P1 notice issued against one Mr. Vinesh, who is stated to be petitioner's grand son. Liability is towards Motor Transport Workers Welfare Fund dues. If petitioner is not a defaulter and the defaulter has no right in petitioner's property, there is no justification for the respondents to proceed with recovery against the petitioner. 3rd respondent is directed to identify the property of the defaulter and proceed for recovery, if the amount is not paid.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg